

Exhibit 34
Filed Under Seal

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SONOS, INC.,
4 Plaintiff,
5 vs. Case No. 3:21-CV-07559-WHA
6 GOOGLE LLC,
7 Defendant.

8 -AND-

9
10 GOOGLE LLC,
11 Plaintiff,
12 vs. Case No. 3:20-CV-06754-WHA
13 SONOS, INC.,
14 Defendant.

15 **HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY**

16 ZOOM DEPOSITION OF JEFF TORGERSON
17 (Reported Remotely via Video & Web Videoconference)
18 Stanwood, Washington (Deponent's location)
19 Thursday, August 11, 2022

20 Volume 1

21 STENOGRAPHICALLY REPORTED BY:
22 REBECCA L. ROMANO, RPR, CSR, CCR
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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SONOS, INC.,</p> <p>4 Plaintiff,</p> <p>5 vs. Case No. 3:21-CV-07559-WHA</p> <p>6 GOOGLE LLC</p> <p>7 Defendant.</p> <hr/> <p>8 -AND-</p> <p>9 GOOGLE LLC,</p> <p>10 Plaintiff,</p> <p>11 vs. Case No. 3:20-CV-06754-WHA</p> <p>12 SONOS, INC.,</p> <p>13 Defendant.</p> <hr/> <p>14</p> <p>15</p> <p>16 DEPOSITION OF JEFF TORGERSON, taken on</p> <p>17 behalf of the Google LLC, with the deponent located</p> <p>18 in Stanwood, Washington, commencing at 9:04 a.m.,</p> <p>19 Thursday, August 11, 2022, remotely reported via</p> <p>20 Video & Web Videoconference before</p> <p>21 REBECCA L. ROMANO, a Certified Shorthand</p> <p>22 Reporter, Certified Court Reporter, Registered</p> <p>23 Professional Reporter.</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 APPEARANCES(cont'd)</p> <p>2 (All parties appearing via Web Videoconference)</p> <p>3</p> <p>4 ALSO PRESENT:</p> <p>5 Dustin Brown, Videographer</p> <p>6 Catarina Xu, Summer Associate, Quinn Emanuel</p> <p>7 Urquhart & Sullivan, LLP</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 ////</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES OF COUNSEL</p> <p>2 (All parties appearing via Web Videoconference)</p> <p>3</p> <p>4 For the Sonos, Inc:</p> <p>5 LEE SULLIVAN SHEA & SMITH LLP</p> <p>6 BY: AMY D. BRODY</p> <p>7 Attorney at Law</p> <p>8 656 Randolph Street</p> <p>9 Floor 5W</p> <p>10 Chicago, Illinois 60661</p> <p>11 (312) 754-9602</p> <p>12 abrody@ls3ip.com</p> <p>13</p> <p>14 For the Google LLC:</p> <p>15 QUINN EMANUEL URQUHART & SULLIVAN, LLP</p> <p>16 BY: JOCELYN MA</p> <p>17 Attorney at Law</p> <p>18 50 California Street</p> <p>19 22nd Floor</p> <p>20 San Francisco, California 94111</p> <p>21 (415) 875-6600</p> <p>22 jocelynma@quinnemanuel.com</p> <p>23</p> <p>24</p> <p>25 ////</p> <p style="text-align: right;">Page 3</p>	<p>1 I N D E X</p> <p>2 DEPONENT EXAMINATION</p> <p>3 JEFF TORGERSON PAGE</p> <p>4 VOLUME 1</p> <p>5 BY MS. MA 10</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 NUMBER PAGE</p> <p>10 DESCRIPTION</p> <p>11 Exhibit 1146 Google LLC's Notice of 17</p> <p>12 Subpoenas to Third Party Jeff</p> <p>13 Torgerson;</p> <p>14</p> <p>15 Exhibit 1147 LinkedIn Profile; 19</p> <p>16</p> <p>17 Exhibit 1148 Email String Subject: Re: 58</p> <p>18 Thinking of structure,</p> <p>19 SONOS-SVG2-00081179 -</p> <p>20 SONOS-SVG2-00081180;</p> <p>21</p> <p>22 Exhibit 1149 Email String Subject: Re: 75</p> <p>23 Sonos/Google Play Music</p> <p>24 Meeting, SONOS-SVG2-00081105</p> <p>25 - SONOS-SVG2-00081108;</p> <p style="text-align: right;">Page 5</p>

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1	E X H I B I T S(cont'd)			1	Stanwood, Washington; Thursday, August 11, 2022	
2	NUMBER	PAGE		2	9:04 a.m.	
3	DESCRIPTION			3	---o0o---	
4	Exhibit 1150 Email String Subject: Re:	104		4		
5	Sonos/Google Play Music			5	THE VIDEOGRAPHER: Good morning. We are	09:04:09
6	Meeting, SONOS-SVG2-00081097-			6	on record at 9:04 a.m. on August 11th, 2022.	
7	SONOS-SVG2-00081100;			7	This is the video-recorded deposition of	
8				8	Jeff Torgerson.	
9	Exhibit 1151 Email String Subject: Re:	109		9	My name is Dustin Brown, here with our	
10	PLEASE REVIEW: SF Preview			10	court reporter Rebecca Romano.	09:04:22
11	Partner Trip Summary,			11	This deposition is being conducted	
12	SONOS-SVG2-00078409 -			12	remotely using virtual technology. The caption of	
13	SONOS-SVG2-00078412;			13	this case is Google, LLC versus Sonos,	
14				14	Incorporated.	
15	Exhibit 1152 Email String Subject: Torg's	117		15	Please note that audio and video	09:04:35
16	notes, Bates			16	recording will take place unless all parties agree	
17	SONOS-SVG2-00078510 -			17	to go off the record.	
18	SONOS-SVG2-00078511;			18	If there are any objections to	
19				19	proceeding, please state them at the time of your	
20	Exhibit 1153 Email String Subject: FW:	121		20	appearance, beginning with the noticing attorney.	09:04:44
21	GPM now supports Play to			21	MS. MA: Good morning, everyone.	
22	Sonos via Muse,			22	My name Jocelyn Ma with Quinn Emanuel	
23	SONOS-SVG2-00070566 -			23	Urquhart & Sullivan on behalf of Google.	
24	SONOS-SVG2-00070567;			24	MS. BRODY: Amy Brody of	
25	////			25	Lee Sullivan Shea & Smith on behalf of Sonos and	09:04:57
		Page 6				Page 8
1	E X H I B I T S(cont'd)			1	the witness.	09:05:03
2	NUMBER	PAGE		2	(Discussion off the stenographic record.)	
3	DESCRIPTION			3	THE COURT REPORTER: At this time, I will	
4	Exhibit 1154 Email String Subject: Fwd:	132		4	ask counsel to agree on the record that there is no	
5	Google Play Music on Sonos			5	objection to this deposition officer administering	09:05:03
6	V-Next, SONOS-SVG2-00188768 -			6	a binding oath to the deponent via remote	
7	SONOS-SVG2-00188770;			7	videoconference, starting with the noticing	
8				8	attorney, please.	
9	Exhibit 1155 Email String Subject: RE:	163		9	MS. MA: No objection.	
10	Certification Program			10	MS. BRODY: No objection.	09:05:26
11	Meeting, SONOS-SVG2-00081025			11	THE COURT REPORTER: If you could raise	
12	- SONOS-SVG2-00081028.			12	your right hand for me, please.	
13				13	THE DEPONENT: (Complies.)	
14				14	THE COURT REPORTER: You do solemnly	
15	PREVIOUSLY MARKED EXHIBITS			15	state, under penalty of perjury, that the testimony	09:05:26
16	NUMBER	PAGE		16	you are about to give in this deposition shall be	
17	Exhibit 1021	180		17	the truth, the whole truth and nothing but the	
18				18	truth?	
19				19	THE DEPONENT: I do.	
20				20		09:05:27
21				21		
22				22		
23				23		
24				24		
25	////			25	////	09:05:27
		Page 7				Page 9

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<p>1 JEFF TORGERSON, 09:05:45</p> <p>2 having been administered an oath, was examined and</p> <p>3 testified as follows:</p> <p>4</p> <p>5 EXAMINATION 09:05:45</p> <p>6 BY MS. MA:</p> <p>7 Q. Good morning, Mr. Torgerson.</p> <p>8 A. Good morning.</p> <p>9 Q. As I mentioned, my name is Jocelyn Ma. I</p> <p>10 represent Google in this matter and I will start by 09:05:52</p> <p>11 saying, thanks for being here today.</p> <p>12 Could you please state and spell your</p> <p>13 full name for the record.</p> <p>14 A. Yeah. Jeff Torgerson. J-E-F-F</p> <p>15 T-O-R-G-E-R-S-O-N. 09:06:03</p> <p>16 Q. And could you also please state your</p> <p>17 address for the record as well.</p> <p>18 A. 25230 12th Avenue Northwest, Stanwood,</p> <p>19 Washington 98292.</p> <p>20 Q. Thank you. 09:06:21</p> <p>21 Have you been deposed before,</p> <p>22 Mr. Torgerson?</p> <p>23 A. Yes, a long time ago.</p> <p>24 Q. Just once?</p> <p>25 A. Yeah. 09:06:31</p> <p style="text-align: right;">Page 10</p>	<p>1 Q. Well, it sounds like you have some 09:07:34</p> <p>2 experience with depositions, but you mentioned it</p> <p>3 was long ago. So I'm going to go over some -- some</p> <p>4 ground rules.</p> <p>5 I'm going to do my very best not to 09:07:46</p> <p>6 interrupt you, and I would ask you to please wait</p> <p>7 for me to finish my question as well before you</p> <p>8 start answering.</p> <p>9 Can you do that for me?</p> <p>10 A. Yes. 09:07:55</p> <p>11 Q. There's also a court reporter here who is</p> <p>12 transcribing everything we say on the record today.</p> <p>13 So I'm going to ask you to give verbal, audible</p> <p>14 answers, instead of things like head nods.</p> <p>15 Okay? 09:08:10</p> <p>16 A. Yes.</p> <p>17 Q. Other than this Zoom session and the</p> <p>18 Exhibit Share screen, do you have any other windows</p> <p>19 or applications open?</p> <p>20 A. No. 09:08:19</p> <p>21 Q. Could you represent to me that you won't</p> <p>22 be reviewing any other materials today other than</p> <p>23 the ones I show?</p> <p>24 A. No.</p> <p>25 Q. You can't represent that to me? 09:08:30</p> <p style="text-align: right;">Page 12</p>
<p>1 Q. And what cases -- or excuse me -- what 09:06:32</p> <p>2 case was that in?</p> <p>3 A. I don't honestly remember. It was with</p> <p>4 InfoSpace.</p> <p>5 Q. Is that a place that you formally were 09:06:43</p> <p>6 employed?</p> <p>7 A. Correct. Yes.</p> <p>8 Q. Do you remember what kind of case it was?</p> <p>9 A. No, honestly, I don't.</p> <p>10 Q. Was it a civil case? 09:06:56</p> <p>11 A. I'm sure it was. Yes. Yes, I think so.</p> <p>12 Q. And do you remember who the other party</p> <p>13 was that was involved?</p> <p>14 A. I don't.</p> <p>15 Q. Do you recall what the subject matter of 09:07:09</p> <p>16 your testimony was?</p> <p>17 A. Around the technology that we were using.</p> <p>18 Q. What kind of technology was that.</p> <p>19 A. Just Web software, you know, writing Web</p> <p>20 pages for companies. 09:07:23</p> <p>21 Q. That deposition did not relate to your</p> <p>22 work at Sonos; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. Have you testified at trial before?</p> <p>25 A. No. 09:07:34</p> <p style="text-align: right;">Page 11</p>	<p>1 A. Oh, sorry. Yes, I can. 09:08:32</p> <p>2 Q. No problem.</p> <p>3 A. I answered the wrong way.</p> <p>4 Yes.</p> <p>5 Q. No problem. 09:08:36</p> <p>6 Can you also represent to me that you</p> <p>7 won't be communicating with anyone else, either by</p> <p>8 cell phone or any other method, while we are on the</p> <p>9 record today?</p> <p>10 A. Yes. 09:08:46</p> <p>11 Q. Today your counsel might raise objections</p> <p>12 to my questions, but unless Ms. Brody specifically</p> <p>13 instructs you not to answer, I'm entitled to your</p> <p>14 full and truthful answer.</p> <p>15 Does that make sense? 09:08:57</p> <p>16 A. Yes.</p> <p>17 Q. And I'm going to try to break every hour</p> <p>18 or so, but if you need a break at any other time,</p> <p>19 please just let me know. I just ask that it not be</p> <p>20 while a question is pending unless it's to deal 09:09:08</p> <p>21 with a privilege issue.</p> <p>22 Okay?</p> <p>23 A. Yes.</p> <p>24 Q. Finally, Mr. Torgerson, do you understand</p> <p>25 that you are under oath and have sworn to tell the 09:09:16</p> <p style="text-align: right;">Page 13</p>

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1 MS. MA: We have been going for over an 10:04:16	1 Sonos had of the GPM integration was that it passed 10:27:19
2 hour. Let's take a break.	2 the beer test; is that correct?
3 THE DEPONENT: Okay.	3 A. Yes.
4 THE VIDEOGRAPHER: Sorry, guys. I was on	4 Q. In other words, Sonos wanted a user who
5 mute. 10:04:27	5 was playing music from GPM -- from the GPM app to 10:27:31
6 Going off record at 10:04 a.m.	6 Sonos speakers to be able to step away and for the
7 (Recess taken.)	7 queued-up songs to continue playing; is that right?
8 THE VIDEOGRAPHER: We are back on record	8 A. That's correct, yes.
9 at 10:25 a.m.	9 Q. And the concept of cloud queues was a
10 Q. (By Ms. Ma) Welcome back, Mr. Torgerson. 10:25:07	10 solution to the beer test; is that right? 10:27:57
11 A. Thanks.	11 MS. BRODY: Objection to form.
12 Q. Did you speak with Ms. Brody during the	12 THE DEPONENT: Yes. Correct.
13 break about the content of your testimony?	13 Q. (By Ms. Ma) Is your understanding that
14 A. No.	14 Google and Sonos worked together to develop the
15 Q. I want to go back to one thing. 10:25:19	15 cloud queue solution during the parties' 10:28:18
16 Do you recall me asking whether it was	16 collaboration?
17 your understanding that Sonos owned the cloud queue	17 MS. BRODY: Objection to form.
18 technology that allowed for the Google Play Music	18 THE DEPONENT: I would state it
19 implementation?	19 differently, personally. I remember -- I don't
20 A. Yeah. I recall that. 10:25:35	20 remember details, but like, working with Google to 10:28:33
21 Q. And do you recall saying that it was your	21 try to figure out how things would work on their
22 understanding that Sonos owned that cloud queue	22 side, but that we already had, like, this platform
23 technology?	23 capability that -- they were going to be
24 A. Correct.	24 integrating with.
25 Q. And you mentioned that was your 10:25:48	25 Q. (By Ms. Ma) And that platform capability 10:28:52
Page 54	Page 56
1 understanding because it was your role to help 10:25:50	1 involved cloud queues? 10:28:54
2 people integrate onto Sonos' platforms, and so the	2 A. Correct.
3 platform integration was stuff that Sonos had	3 Q. Who, to your knowledge, is the -- who --
4 developed?	4 was the first partner that Sonos integrated with
5 A. That's correct, yes. 10:26:07	5 using cloud queues? 10:29:08
6 Q. And so just to make sure I understand,	6 A. I think it was Google.
7 you are -- you I believe Sonos owned the	7 Q. So to your knowledge, prior to the Google
8 cloud queue technology because it was part of a	8 collaboration, Sonos had not integrated with any
9 platform integration and that platform speaker	9 partner using cloud queue?
10 group fabrication was something Sonos developed; is 10:26:22	10 MS. BRODY: Objection to form. 10:29:32
11 that right?	11 THE DEPONENT: I don't recall any,
12 A. Yes.	12 correct.
13 Q. Does it follow that if Google had	13 Q. (By Ms. Ma) And prior to when you joined
14 developed anything for the Google implementation,	14 Sonos in July 2015, Google and Sonos had already
15 then Google would own that technology it developed? 10:26:35	15 begun working on the cloud queue solution, correct? 10:29:48
16 MS. BRODY: Objection to form.	16 MS. BRODY: Objection to form.
17 THE DEPONENT: Yeah, I guess it would --	17 THE DEPONENT: I believe so, yes.
18 like, integrating with Sonos versus developing that	18 Q. (By Ms. Ma) Was it Google or Sonos who
19 new technology I guess are different.	19 first suggested using cloud queues to pass the beer
20 Q. (By Ms. Ma) So if Google had developed 10:26:59	20 test? 10:30:04
21 technology in order to integrate with Sonos, would	21 MS. BRODY: Objection to form.
22 Google own that technology?	22 THE DEPONENT: I don't know. I wasn't
23 MS. BRODY: Objection to form.	23 there.
24 THE DEPONENT: I would guess, yes.	24 Q. (By Ms. Ma) You don't know one way or
25 Q. (By Ms. Ma) One of the requirements 10:27:18	25 another whether it was Google who first suggested 10:30:14
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<p>1 I will put it back up give me one second. 02:34:18</p> <p>2 A. 1153.</p> <p>3 Q. Yeah, that's right.</p> <p>4 Okay. So back to the first email from</p> <p>5 Mr. Coburn, and on September 22nd, 2015, he says 02:34:56</p> <p>6 "GPM now supports Sonos via Muse," right?</p> <p>7 A. Correct.</p> <p>8 Q. And "Play to Sonos" was a term for</p> <p>9 directly playing back music from the GPM app to</p> <p>10 Sonos speakers, right? 02:35:14</p> <p>11 A. Yeah, generally "direct control" is the</p> <p>12 term we used, yes.</p> <p>13 Q. Yes. Sorry, yes, direct control.</p> <p>14 And in the second paragraph, you know, he</p> <p>15 writes "to confirm that it is really using Muse and 02:35:26</p> <p>16 not MRP, you can browse ... the web page," right?</p> <p>17 A. Yes.</p> <p>18 Q. So previously direct control was using</p> <p>19 MRP, correct?</p> <p>20 MS. BRODY: Objection to form. 02:35:43</p> <p>21 THE DEPONENT: Yeah, I -- I don't</p> <p>22 remember if it had been implemented, you know, with</p> <p>23 the technology on the back end was, Tad -- I</p> <p>24 remember Tad being much more, like Tad was deep</p> <p>25 into this stuff. I was still ramping up at the 02:35:57</p> <p style="text-align: right;">Page 186</p>	<p>1 Offering can't be made commercially available by 02:38:01</p> <p>2 Sonos unless and until Google provides final Launch</p> <p>3 confirmation," right? [as read]</p> <p>4 A. Correct.</p> <p>5 Q. And it says that final launch 02:38:12</p> <p>6 "confirmation may be contingent on Sonos' adoption</p> <p>7 of MRP," right?</p> <p>8 A. Correct.</p> <p>9 Q. And as we just discussed MRP relates to</p> <p>10 the direct control integration, right? 02:38:30</p> <p>11 MS. BRODY: Objection to form.</p> <p>12 THE DEPONENT: Correct.</p> <p>13 Q. (By Ms. Ma) And direct control is a</p> <p>14 separate project from a SMAPI integration, right?</p> <p>15 MS. BRODY: Objection to form. 02:38:47</p> <p>16 THE DEPONENT: Yes, direct control is</p> <p>17 different than SMAPI, correct.</p> <p>18 Q. (By Ms. Ma) And so this content</p> <p>19 integration agreement doesn't appear to just relate</p> <p>20 to SMAPI, right? 02:39:05</p> <p>21 MS. BRODY: Objection to form.</p> <p>22 THE DEPONENT: Yeah, I guess with that,</p> <p>23 you know, like, I don't know. This is prior to my</p> <p>24 time. I'm not sure the conversations were around</p> <p>25 this but, in general, I remember content 02:39:20</p> <p style="text-align: right;">Page 188</p>
<p>1 time. So I don't think I remember at all. 02:36:00</p> <p>2 Q. (By Ms. Ma) Right.</p> <p>3 But what Tad is saying here is that,</p> <p>4 you know, the -- the GPM version with direct</p> <p>5 control via Muse is not using MRP anymore, right? 02:36:13</p> <p>6 MS. BRODY: Objection to form.</p> <p>7 THE DEPONENT: Yeah, I read it that it's</p> <p>8 using the Muse not MRP, I don't get that it was MRP</p> <p>9 before on that but...</p> <p>10 Q. (By Ms. Ma) But what he's discussing 02:36:41</p> <p>11 is -- when he talks about MRP here it's in the</p> <p>12 context of direct control, right?</p> <p>13 A. Yes. I would say, yes.</p> <p>14 Q. And so "direct control" is different from</p> <p>15 SMAPI, right? 02:37:00</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Let's close that and bring back up</p> <p>18 the very last exhibit.</p> <p>19 A. Okay.</p> <p>20 Q. 1155. No, sorry. 1021. 02:37:16</p> <p>21 So back to page -55244.</p> <p>22 A. Yeah.</p> <p>23 Q. And back to section 3.3. Again with the</p> <p>24 sentence starting with notwithstanding the</p> <p>25 foregoing, that states that "the integrated Service 02:37:52</p> <p style="text-align: right;">Page 187</p>	<p>1 integration being around the content component of 02:39:22</p> <p>2 things. But that's just my recollection.</p> <p>3 Q. (By Ms. Ma) Right.</p> <p>4 But this reference to MRP in this</p> <p>5 agreement would suggest that this agreement isn't 02:39:34</p> <p>6 about SMAPI, right?</p> <p>7 MS. BRODY: Objection to form.</p> <p>8 Speculative.</p> <p>9 THE DEPONENT: It appears it's not</p> <p>10 strictly SMAPI, correct. 02:39:48</p> <p>11 Q. (By Ms. Ma) Okay. We can close that.</p> <p>12 A. Okay.</p> <p>13 Q. Give me one second.</p> <p>14 Mr. Torgerson, do you still -- you no</p> <p>15 longer work at Sonos, correct? 02:40:13</p> <p>16 A. Correct.</p> <p>17 Q. And why did you leave Sonos?</p> <p>18 A. Right when the pandemic hit the company</p> <p>19 was, reduction to try to ensure that they can make</p> <p>20 it through the pandemic, and I worked in the team 02:40:30</p> <p>21 that was focused on three to five years out on</p> <p>22 business strategy and our team was one of the ones</p> <p>23 that was cut.</p> <p>24 Q. Do you still keep in contact with anyone</p> <p>25 who works at Sonos? 02:40:44</p> <p style="text-align: right;">Page 189</p>